

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Hannah Coleman	Team: Team # 2	CCRB Case #: 200703111	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 03/05/2007 1:41 PM	Location of Incident: § 87(2)(b)	Precinct: 101	18 Mo. SOL 9/5/2008	EO SOL 9/5/2008	
Date/Time CV Reported Tue, 03/06/2007 7:30 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 03/06/2007 7:30 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Jason Ragoo	01854	939268	101 PCT
2. POM Albert Scott	22474	934162	101 PCT
3. SGT David Meltzer	05615	917991	101 PCT
4. POM Justin Rivera	20410	931052	101 PCT
5. POM Thomas Dugan	12459	922291	101 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Brian Correll	26639	929944	NAR DIV
2. POM Steve Rivera	17517	934115	101 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Jason Ragoo	Abuse: Officer Jason Ragoo stopped § 87(2)(b)	§ 87(2)(b)
B.POM Albert Scott	Abuse: Officer Albert Scott stopped § 87(2)(b)	§ 87(2)(b)
C.POM Jason Ragoo	Force: Officer Jason Ragoo pointed his gun at § 87(2)(b)	§ 87(2)(b)
D.POM Jason Ragoo	Force: Officer Jason Ragoo used physical force against § 87(2)(b)	§ 87(2)(b)
E.POM Albert Scott	Force: Officer Albert Scott used physical force against § 87(2)(b)	§ 87(2)(b)
F.POM Thomas Dugan	Force: Officer Thomas Dugan used physical force against § 87(2)(b)	§ 87(2)(b)
G.POM Justin Rivera	Force: Officer Justin Rivera used physical force against § 87(2)(b)	§ 87(2)(b)
H.SGT David Meltzer	Force: Sergeant David Meltzer used physical force against § 87(2)(b)	§ 87(2)(b)

## Synopsis

On March 5, 2007 at around 1:30pm, 911 received a report of a man with a gun in front of § 87(2)(b) in Queens. Officers from the 101<sup>st</sup> Precinct responded to the report; the first officers on scene were Officer Jason Ragoo and Officer Albert Scott, and when they arrived they observed § 87(2)(b) who matched the detailed description of the perpetrator, standing in front of § 87(2)(b). The officers exited their vehicle and approached § 87(2)(b) telling him to stop (**Allegation A** and **Allegation B**). Officer Ragoo drew and pointed his gun at § 87(2)(b) (**Allegation C**). The officers told § 87(2)(b) to take his hands out of his jacket pockets, and he did not do so. Officer Ragoo and Officer Scott grabbed § 87(2)(b) (**Allegation D** and **Allegation E**) and attempted to pull his arms behind his back. Arriving at the scene next were Officer Thomas Dugan and Officer Justin Rivera, who pulled up as Officer Ragoo and Officer Scott physically engaged § 87(2)(b). Officer Dugan and Officer Rivera went over and assisted Officer Ragoo and Officer Scott in trying to pull § 87(2)(b)'s arms behind his back (**Allegation F** and **Allegation G**). Sergeant David Meltzer also arrived at the scene. He, along with some of the officers involved in handcuffing § 87(2)(b) allegedly kicked § 87(2)(b) (**Allegation H**). (All additional force allegations against the first four officers mentioned have been subsumed by Allegations D, E, F, and G.) § 87(2)(b) was arrested, charged with disorderly conduct and resisting arrest, and transported to the 101<sup>st</sup> Precinct.

§ 87(2)(b), § 87(2)(g)

### Summary of Complaint

- § 87(2)(b) filed this complaint directly with the undersigned investigator on March 6, 2007 by leaving a series of voicemails on her answering machine. In the first voicemail, § 87(2)(b) stated that he was attacked by police officers in retaliation for his previous complaint (CCRB #§ 87(2)(b) and stated that he had witnesses. In the second voicemail, § 87(2)(b) stated that officers threw him to the ground and beat him up. He mentioned the possibility of filing a civil lawsuit, filing another CCRB complaint, and making a report to IAB regarding the perceived retaliation.

§ 87(2)(b) was contacted later that morning and provided a telephone statement at that time.

He was interviewed at the CCRB on March 9, 2007. § 87(2)(b) is a § 87(2)(b)

Inconsistencies in his statements are noted.

On March 5, 2007, at around 1:40pm, § 87(2)(b)'s mother asked him to go and pick up an item for her from Associated supermarket on Mott Avenue across from the Mott Avenue 'A' station. § 87(2)(b)'s mother gave him the receipt and § 87(2)(b) left the house by himself, wearing brown boots, blue jeans, a green army jacket, and a brown leather Timberland cap with fleece earflaps folded up.

§ 87(2)(b) walked over to Mott Avenue, crossed the street to the North side, and began walking East towards the supermarket. When he had gone approximately 100 feet, he felt someone jump onto his back and yell “Where’s the gun?” § 87(2)(b) turned to the right to pull the person off and saw an officer (identified by this investigation as Officer Jason Ragoo). Officer Ragoo had his gun drawn and pointed at § 87(2)(b)’s chest. There was another officer with Officer Ragoo (identified by this investigation as Officer Albert Scott). § 87(2)(b) backed up to the brick wall of an apartment building with his back to the wall. Officer Scott grabbed § 87(2)(b)’s left arm and tried to twist it behind his back. § 87(2)(b) tried to pull the arm back in front of him. Officer Ragoo grabbed § 87(2)(b)’s right arm, still pointing the gun at him. § 87(2)(b) observed other patrol cars pulling up. A white male officer, Officer 3<sup>1</sup>, came over and, “jumping over” the other two officers, reached over § 87(2)(b)’s head to grab his jacket between his shoulders. Officer 3 pulled forward on the jacket, pulling § 87(2)(b) forward to the ground.

<sup>1</sup> white male, 20s, blue eyes, brown hair, uniform

§ 87(2)(b) landed face-first. During his initial phone statement, § 87(2)(b) stated that the officers hit him in the chest with a gun. He did not make that allegation during his CCRB interview.

§ 87(2)(b) felt Officer 3 and another officer (identified by this investigation as Sergeant David Meltzer), kicking him on the ground. § 87(2)(b) stated that he knew he was being kicked rather than punched, but did not specify how). He was kicked a total of 8-9 times in his ribs and back. § 87(2)(b) made no mention of being kicked in his phone statement.) Officer 3 stood to § 87(2)(b)'s rear on the right side, and Sergeant Meltzer stood on § 87(2)(b)'s right side towards his head. Sergeant Meltzer held a yellow "stun gun" in § 87(2)(b)'s face and asked him, "Where's the gun?" § 87(2)(b) continued saying that he did not have any gun.

Officers picked § 87(2)(b) up off the ground and "threw" him into a police car (when asked to specify, § 87(2)(b) clarified that the officers pushed him inside). Officer Ragoo and Officer Scott transported § 87(2)(b) to the 101<sup>st</sup> Precinct and repeatedly told him that he fit the description of a man with a gun. Once at the precinct, § 87(2)(b) was placed inside a holding cell. Sergeant Meltzer came to talk to § 87(2)(b). Sergeant Meltzer told § 87(2)(b) that he "could have made it easier" and told him that his arrest was "payback" for filing a previous CCRB complaint. There were no other officers present when Sergeant Meltzer made that comment. § 87(2)(b) thought there might have been someone else in the holding cell, but believed that individual was asleep. § 87(2)(b) was charged with resisting arrest. At the time of his interview, he provided the name and phone number of a witness, § 87(2)(b).

## **Results of Investigation**

### **Civilian Statements**

- § 87(2)(b) was contacted by telephone on March 23, 2007. § 87(2)(b) stated that he was walking up Mott Avenue with some other people (when directly questioned, § 87(2)(b) stated that he did not know their names) when he saw § 87(2)(b) lying on the sidewalk surrounded by 3-5 uniformed male police officers near the intersection of Mott Avenue and Grassmere Terrace. § 87(2)(b) was walking on the same side of the street as § 87(2)(b) was and walked close by him. § 87(2)(b) believed that one of the officers was black and that the others were white or Hispanic. As § 87(2)(b) passed, the officers told him and the other people § 87(2)(b) added that there were a number of people outside because of the time of day and the busyness of the street) to keep going. § 87(2)(b) kept walking. Other than seeing the officers standing around § 87(2)(b) did not see the officers doing anything else. § 87(2)(b) heard § 87(2)(b) repeatedly asking what he had done, but did not hear anything the officers said to § 87(2)(b). After seeing § 87(2)(b) on the ground, § 87(2)(b) went to his mother's house and told her what was going on.

### **Attempts to Locate Witnesses**

The prisoner holding pen roster showed that one other male was in the holding cell with § 87(2)(b). C § 87(2)(b)'s address was obtained from the command log and his phone number was found using Lexis Nexis. Five calls were placed to § 87(2)(b) at his listed phone number. During the fifth call, on June 11, 2007, a male answered the phone and stated that no one named § 87(2)(b) lived there. Two 'please call' letters were also mailed to § 87(2)(b) neither of which was returned to the CCRB. No statement was therefore obtained from § 87(2)(b) for this investigation.

### **Police Officer Statements**

#### ***Officer Jason Ragoo***

Officer Jason Ragoo was interviewed at the CCRB on March 27, 2007. On March 5, 2007, Officer Ragoo worked from 7:05am to 3:40pm patrolling sectors AB of the 101<sup>st</sup> Precinct with Officer Scott, dressed in uniform and assigned to a marked RMP. Officer Ragoo read the following memo book entries into the record: "1410: Jean § 87(2)(b) is picking up belt, cellphone, wallet, no money and keys for § 87(2)(b) 1341: 1 under from § 87(2)(b). 1450: Arrest # § 87(2)(b)

Officer Ragoo and Officer Scott were on patrol when they received a radio report of a dispute involving a firearm at § 87(2)(b). The description of the perpetrator was a black male wearing blue jeans and a camouflage jacket. The officers approached the address driving eastbound on Mott

Avenue towards Beach Channel Drive. As they approached, they observed a black male identified by Officer Ragoo as § 87(2)(b) was wearing a camouflage coat and jeans. He walked out of the front gate and turned left onto Mott Avenue. The officers pulled over on the North side of the street, behind § 87(2)(b) and both exited the car. Officer Ragoo was the operator. Both officers ran towards § 87(2)(b) and yelled, “Police” and “stop.” Officer Ragoo pulled out his gun, and did not know if Officer Scott did the same. The officers told § 87(2)(b) to turn around. § 87(2)(b) turned to the right, but only turned halfway around. Officer Ragoo then observed him reach both hands—the right hand on the right side and the left hand on the left side—towards his waistband. The officers continued running at § 87(2)(b). Officer Ragoo holstered his weapon and both officers grabbed § 87(2)(b) and tackled him to the ground.

Other officers began arriving on the scene as well including Officer Ragoo’s supervisor, Sergeant Meltzer. Officer Ragoo did not recall any supervisors besides Sergeant Meltzer arriving at the scene. Once Officer Ragoo and Officer Scott got § 87(2)(b) to the ground, they attempted to handcuff him, but it took approximately one minute to do so because § 87(2)(b) physically resisted by trying to pull his hands away and by kicking at the officers. A number of other officers responded and some helped Officer Ragoo and Officer Scott in handcuffing § 87(2)(b). Officer Ragoo did not recall any officer with a taser out but stated that sergeants usually carry them for the purpose of dealing with EDPs. Once Officer Ragoo and Officer Scott got § 87(2)(b) handcuffed (they had to use both sets of handcuffs to do so) they placed him in a patrol car and left the scene immediately. § 87(2)(b) was charged with resisting arrest and disorderly conduct. The disorderly conduct charge stemmed from the fact that, as § 87(2)(b) struggled, it caused a sizeable crowd to form on Mott Avenue, a busy street. Officer Ragoo was unaware that § 87(2)(b) had filed a previous CCRB complaint, but noted that § 87(2)(b) mentioned in the precinct that he would file one about this incident. Officer Ragoo denied overhearing any officer tell § 87(2)(b) that he was arrested because of any previous CCRB complaints.

- *Officer Albert Scott*

Officer Albert Scott was interviewed on April 9, 2007 at the CCRB. On March 5, 2007, Officer Scott worked from 7:05am to 3:40pm assigned to patrol sectors AB of the 101<sup>st</sup> Precinct with Officer Ragoo. The officers were dressed in uniform, assigned to a marked RMP, and Officer Scott was the recorder. Officer Scott had no pertinent memo book entries, but he had a good recollection of the incident.

Officer Scott and Officer Ragoo heard a report of a gun run over the radio at 22-30 or 23-30 Mott Avenue. The suspect was listed as a male black wearing a camouflage army jacket and blue jeans. They were a few blocks away, so they drove right over, driving East on Mott Avenue towards the building. As they pulled up about a block away, they observed a male black fitting the description of the suspect (later identified as § 87(2)(b)) standing in front of the building and then walking westbound towards their car. When § 87(2)(b) saw the officers, he turned and began walking the other direction. The officers pulled over, exited the vehicle, and told § 87(2)(b) that they were police and to stop. § 87(2)(b) had his hands in his pockets (Officer Scott thought his jacket pockets) and the officers told him to take his hands out of his pockets as they approached him at a quick walk. § 87(2)(b) did not do so. Officer Scott grabbed § 87(2)(b)’s left arm and Officer Ragoo grabbed the right. § 87(2)(b) made statements to the effect of, “No, why do I have to take my hands out?” and “What are you grabbing me for?” Officer Scott observed Officer Ragoo with his gun drawn by his right side. Officer Scott put one hand on his radio in case he needed to radio for help. It took the officers a second or two to pull § 87(2)(b)’s hands out of his pockets. When they did, they tried to pull his arms behind his back and handcuff him, but he resisted by trying to pull his arms up, away from his body, and out of the officers’ grasp. § 87(2)(b) also tried to reach down towards his waistband.

This physical action had taken only a few seconds, but other officers had already arrived at the scene. Officer Scott could not recall which specific officers were there besides Sergeant Meltzer, but stated that probably everyone from the tour was there because of the gun run radio report. Responding officers helped Officer Scott and Officer Ragoo by grabbing onto § 87(2)(b)’s arms. In the struggle, Officer Scott ended up positioned almost in front of § 87(2)(b). All of a sudden, § 87(2)(b) fell to the ground, falling into Officer Scott and taking Officer Scott down as well. Officer Scott did not know if § 87(2)(b) fell or was intentionally taken to the ground. Officer Scott got out from under § 87(2)(b) and continued in the struggle to handcuff him. When asked to describe the force used to handcuff § 87(2)(b) Officer Scott stated that officers pulled his hands behind his back. Officer Scott denied punching or kicking § 87(2)(b).

§ 87(2)(b) in the back or ribcage and did not observe any other officers do so. Officer Scott did not handcuff § 87(2)(b) and did not recall who did.

When questioned, Officer Scott stated that sergeants usually carry a taser. Officer Scott did not recall observing Sergeant Meltzer with his taser out during the incident. Officer Scott did not observe any officers punching or kicking § 87(2)(b) subsequent to § 87(2)(b)'s handcuffing. Officer Scott thought that he and Officer Ragoo might have transported § 87(2)(b) to the 101<sup>st</sup> Precinct. He did not recall § 87(2)(b) making any statements about filing a complaint, was unaware that § 87(2)(b) had filed any CCRB complaints, and did not overhear any officer telling § 87(2)(b) that he was arrested because of a previous CCRB complaint.

- *Sergeant David Meltzer*

Sergeant David Meltzer was interviewed at the CCRB on April 12, 2007. On March 5, 2007 Sergeant Meltzer worked from 6:55am to 3:52pm as the 101<sup>st</sup> Precinct Patrol Supervisor. He was dressed in uniform, partnered with Officer Correll, and assigned to a marked RMP. Sergeant Meltzer had no pertinent memo book entries but had a good recollection of the incident.

Sergeant Meltzer and Officer Correll responded to a report of shots fired at § 87(2)(b). A detailed description of the suspect was put over the air, including the fact that the suspect was wearing an Army jacket. When Sergeant Meltzer and Officer Correll pulled up, they observed about four officers, including Officer Ragoo and Officer Rivera, struggling to put § 87(2)(b)'s arms behind his back. § 87(2)(b) was struggling with the officers, trying to pull his arms away and prevent the officers from getting his arms behind his back. Within seconds, the four officers and § 87(2)(b) all fell down to the ground. Seconds later, the officers managed to get § 87(2)(b)'s hands behind his back and handcuffed him. Sergeant Meltzer did not assist in handcuffing § 87(2)(b) but he thought Officer Correll might have. Sergeant Meltzer routinely carried a taser on his belt, and might have had it out. Sergeant Meltzer had no physical contact with § 87(2)(b). He did not observe any officers, during or after the handcuffing, punching or kicking § 87(2)(b) in the area of his back and/or ribcage.

At the 101<sup>st</sup> Precinct, § 87(2)(b) was placed in a holding cell and was resistant when told to provide his belt and shoelaces. Sergeant Meltzer went into the cell with a few other officers and they eventually managed to convince § 87(2)(b) to provide his belt and shoelaces. Sergeant Meltzer was unaware that § 87(2)(b) had filed a previous CCRB complaint. He did not hear § 87(2)(b) talk about filing a complaint and did not tell him at any point that he had been arrested because of any previous CCRB complaint.

- *Officer Steve Rivera*

Officer Steve Rivera was interviewed at the CCRB on May 4, 2007. On March 5, 2007, Officer Rivera was assigned to work from 7:05am-3:40pm assigned to patrol sectors CD with an unknown partner (he did not have the name noted in his memo book). As the result of an arrest that day, Officer Rivera worked until 8:40pm. He was dressed in uniform and, when originally assigned to sector patrol, was assigned to RMP #2040. Officer Rivera referenced his memo book to note that he had an arrest at 11:03am. He went back to the 101<sup>st</sup> Precinct to complete paperwork, where he remained until 2:00pm, when he was reassigned to patrol sectors AB with Officer Albert Scott. Officer Rivera had no recollection of the incident.

- *Officer Thomas Dugan*

Officer Thomas Dugan was interviewed at the CCRB on May 30, 2007. On March 5, 2007, Officer Dugan worked a 0705x1540 tour assigned to patrol sectors CD with Officer Justin Rivera. Officer Dugan was dressed in uniform and was assigned to a marked RMP. He had no entries in his memo book regarding the incident involving § 87(2)(b) but had a good recollection of the event.

Officer Dugan and Officer Justin Rivera were on patrol when they received and responded to a call of a black male wearing a camouflage jacket and jeans who was carrying a firearm. When they arrived at the scene, they pulled up in front of § 87(2)(b) and Officer Dugan observed Officer Ragoo and Officer Scott already on the scene. Officer Dugan observed Officer Ragoo and Officer Scott struggling with an individual, later identified as § 87(2)(b) who fit the description put over the radio "to a T." Both officers and § 87(2)(b) were on their feet on the sidewalk, and the officers were attempting to pull § 87(2)(b)'s hands behind his back. § 87(2)(b) was attempting to hold his arms up above his heads and was waving them so as to prevent the officers from handcuffing him. Officer Dugan did not observe

Officer Ragoo with his gun drawn. The officers were telling § 87(2)(b) to stop resisting and put his hands down, and § 87(2)(b) was “cursing his head off” and yelling very loudly. Officer Dugan did not recall anything specific that § 87(2)(b) said.

Officer Dugan and Officer Rivera were driving Northbound on Mott Avenue and they pulled up their vehicle by the sidewalk, facing Officer Ragoo and Officer Scott’s vehicle. There were no other responding units at the scene at that time, but Sergeant Meltzer arrived at the scene after § 87(2)(b) was handcuffed. Officer Dugan and Officer Rivera exited their vehicle, went over to the officers, and assisted them in trying to grab § 87(2)(b)’s hands. Within one minute of the time that Officer Dugan and Officer Rivera went over, while the struggle was still occurring, § 87(2)(b) “launched” himself forward, pushing his body forward as if to get away. With the momentum of his forward thrust, all four officers were carried forward and onto the ground. Once on the ground, § 87(2)(b) continued to struggle, refusing to give his arms up. The officers continued to struggle with § 87(2)(b) and were eventually able to get his hands behind his back. No force was used aside from the minimal force used to pull § 87(2)(b)’s hands behind his back. Officer Dugan did not kick § 87(2)(b) nor did he observe any other officer do so. § 87(2)(b) was not kicked or punched after he was handcuffed. When questioned, Officer Dugan recalled that when he arrived, Sergeant Meltzer did have his taser out but did not use it on § 87(2)(b).

After § 87(2)(b) was handcuffed, Officer Dugan took Officer Rivera to the hospital because Officer Rivera sustained a cut to his elbow during the scuffle. Prior to this incident, Officer Dugan had no prior knowledge that § 87(2)(b) had filed a CCRB complaint. Officer Dugan had never seen or interacted with § 87(2)(b) before the date of this incident. When asked if § 87(2)(b) made any comments about filing a CCRB complaint, Officer Dugan recalled that § 87(2)(b)’s mother did back at the precinct. Officer Dugan recalled that § 87(2)(b)’s mother came in and talked with Officer Ragoo and “made it a black/white thing.” Officer Dugan became impatient and walked away from the conversation.

- *Officer Justin Rivera*

Officer Justin Rivera was interviewed at the CCRB on June 6, 2007. On March 5, 2007, Officer Rivera worked a 7:05am-3:40pm tour assigned to patrol sectors EFG in the 101<sup>st</sup> Precinct with Officer Dugan. Officer Rivera did not recall whether his assignment was changed during the course of his tour. The officers were assigned to a marked RMP and Officer Rivera was the operator. Officer Rivera had no pertinent memo book entries but had a good recollection of the incident in question.

Officer Rivera and Officer Dugan responded to a radio report of a man with a gun outside § 87(2)(b). The call provided a description of the alleged perpetrator: a black male wearing brown boots, blue jeans, a camouflage jacket, and a black knit cap. The officers drove to the location. They approached it going Westbound on Mott Avenue and pulled over in front of the building. When they pulled up, Officer Rivera observed another car already there and saw Officer Ragoo and Officer Scott on the sidewalk. The male fitting the description, later identified as § 87(2)(b) was located in front of a wrought-iron fence in front of the building. § 87(2)(b) was positioned in front of Officer Rivera to the left. The officers were also to Officer Rivera’s left, further down than § 87(2)(b).

§ 87(2)(b) had his hands in his coat pockets. Officer Ragoo and Officer Scott told § 87(2)(b) to take his hands out of his pockets but § 87(2)(b) did not do so and responded by stating something to the effect of, “What for?” and “Why are you doing this to me?” Officer Rivera did not recall seeing Officer Ragoo with his gun out. Officer Ragoo, Officer Scott, Officer Rivera, and Officer Dugan approached § 87(2)(b) and grabbed his arms to pull them out of his pockets. § 87(2)(b) resisted by attempting to keep his hands in his pockets and prevent the officers from pulling them out. After a short struggle, the officers succeeded in pulling out § 87(2)(b)’s hands. They intended to handcuff him for the purpose of conducting a thorough frisk to determine whether or not he had a gun. After the officers pulled out § 87(2)(b)’s hands from his pockets, they tried to get the handcuffs on him but he tried to pull his hands away from them, saying things like, “Stop harassing me.” Officer Rivera had hold of § 87(2)(b)’s left wrist and the other hand on his left shoulder when § 87(2)(b) and all the officers fell to the ground. Officer Rivera did not know how that happened. Officer Rivera fell to the left and § 87(2)(b) fell forward. The officers quickly gained their footing and then handcuffed § 87(2)(b) after a short struggle lasting around 10 seconds.

When asked, Officer Rivera recalled that Sergeant Meltzer was at the scene but did not recall him being involved in the physical struggle. Officer Rivera did not kick or hit § 87(2)(b) during the struggle or after § 87(2)(b) was handcuffed and did not observe any other officers doing so. Officer Rivera did

not recall who transported § 87(2)(b) to the 101<sup>st</sup> Precinct. Before that date Officer Rivera had no knowledge of § 87(2)(b) and did not know that § 87(2)(b) had filed a previous CCRB complaint. Officer Rivera did not hear § 87(2)(b) make any comments related to CCRB. Other than the force used to grab § 87(2)(b)'s arm and bring it behind his back, Officer Rivera did not use any additional physical force at the scene.

#### Officers Not Interviewed

Sergeant Meltzer's operator, Officer Correll, was not interviewed for this investigation because the investigation was able to come to a determination on pertinent disputed facts and come to an affirmative recommendation on all allegations without his statement.

#### Police Documents

- *101<sup>st</sup> Precinct Roll Call: March 5, 2007, tour 2*

Sergeant Meltzer was assigned to a 6:55am-3:52pm tour as the 101<sup>st</sup> Precinct Patrol Supervisor. Officer Ragoo, Officer Scott, Officer Dugan, Officer Steve Rivera, and Officer Justin Rivera were all assigned to 7:05am-3:40pm tours. Officer Correll was Sergeant Meltzer's operator, Officer Ragoo and Officer Scott were assigned to patrol sectors AB, Officer Steve Rivera and Officer Dugan were assigned to sectors CD, and Officer Justin Rivera was assigned to sectors EFG with another partner, Officer Janelle Clark.

- *Sprint Report/911 Audio Recording*

An anonymous male caller (calling from § 87(2)(b)) called 911 at 1:31pm to report that there was a black male in an army coat, brown hat, and blue or brown pants who had a gun at § 87(2)(b). In tone and inflection, the caller's voice resembles § 87(2)(b)'s voice.

The 101<sup>st</sup> Precinct patrol supervisor responded, as did sector cars C, E, and A. All units reported their arrival at 1:38pm. At 1:41pm, it was reported that one male was stopped and arrested in front of the location at the authorization of the sergeant.

- *§ 87(2)(b) Arrest Report*

- *Supporting Deposition*

§ 87(2)(b) was arrested on March 5, 2007 at 1:41pm at § 87(2)(b) by Officer Jason Ragoo. The narrative states that Officer Ragoo stopped § 87(2)(b) based on a radio description of a gun run suspect. § 87(2)(b) immediately became uncooperative and reached for his waistband, then flailed his arms and legs when officers attempted to place him under arrest. He was charged with resisting arrest and disorderly conduct. Force was used to 'restrain/control/remove' and § 87(2)(b) is also noted to have used physical force.

- *§ 87(2)(b) Stop and Frisk Report*

Officer Ragoo prepared a stop and frisk report for § 87(2)(b). The report notes that § 87(2)(b) was suspected of criminal possession of a weapon, fit a description from a radio run, and was arrested for resisting arrest. The following physical force was noted: "hands on suspect," "suspect on ground," and "handcuffing suspect."

- *Prisoner Holding Pen Roster*

- *Command Log*

The roster shows that one other male was in the holding cell with § 87(2)(b). C § 87(2)(b). The command log lists § 87(2)(b)'s address as § 87(2)(b).

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

#### CCRB History

§ 87(2)(b)

Officer Dugan (eight years with the NYPD), Sergeant Meltzer (ten years), Officer Ragoo (one year), Officer Justin Rivera (four years), and Officer Scott (three years) all have no substantiated allegations on their CCRB records.

#### Conclusions and Recommendations

##### Officer Identification

Officer Ragoo was identified by arrest paperwork. Officer Ragoo identified Sergeant Meltzer and Officer Scott at his CCRB interview. Both acknowledged their presence at the scene during their own interviews. Sergeant Meltzer identified “Officer Rivera” during his own interview. Officer Justin Rivera confirmed his own involvement during his CCRB interview as did Officer Dugan, who was interviewed because he was listed as Officer Steve Rivera’s partner on the roll call.

§ 87(2)(b), § 87(2)(g)





**Allegation H: Sergeant David Meltzer used physical force against § 87(2)(b)**

As discussed in the “Assessment of the Evidence” section, this investigation credited the officers in their statements that Sergeant Meltzer was not involved in the physical action, and found § 87(2)(b) incredible in that regard based upon his inconsistent accounts of the force used against him. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: